

**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
RENTON, WASHINGTON 98055-4056**

In the matter of the petition of

**Delta Air Lines, Inc.**

for an exemption from §§ 121.314(c),  
25.857(c), 25.858 of Title 14, Code of Federal  
Aviation Regulations

**Regulatory Docket No. 29981**

**DENIAL OF EXEMPTION**

By letter of March 27, 2000, Mr. Udo Rieder, Vice President - Engineering and Quality, Delta Air Lines, Inc., P.O. Box 20706, Atlanta, Georgia, 30320-6001, petitioned for a time limited exemption from certain requirements of §§ 121.314(c), 25.857(c), and 25.858, of Title 14, Code of Federal Aviation Regulations (14 CFR). The proposed exemption, if granted, would permit nine Model L-1011 airplanes to operate from March 20, 2001, until September 30, 2001, without being fitted with fire suppression equipment.

**The petitioner requests relief from the following regulations:**

**Section 121.314(c)**, requires that after March 19, 2001, each Class D compartment, regardless of volume, must meet the standards of §§ 25.857(c) and 25.858 of this Chapter for a Class C compartment unless the operation is an all-cargo operation in which case each Class D compartment may meet the standards in § 25.857(e) for a Class E compartment.

**Section 25.857(c)** requires that a Class C cargo or baggage compartment have a separate approved smoke detector or fire detector system to give warning at the pilot or flight engineer station, an approved built-in fire extinguishing or suppression system controllable from the cockpit, means to exclude hazardous quantities of smoke, flames, or extinguishing agent, from any compartment occupied by the crew or passengers, and means to control ventilation and drafts within the compartment so that the extinguishing agent used can control any fire that may start within the compartment.

**Section 25.858** requires that cargo or baggage compartment smoke or fire detection systems must have a visual indication to the flight crew within one minute after the start of a fire, a system capable of detecting a fire at a temperature significantly below that at which the structural integrity of the airplane is substantially decreased, a means for the crew to check in flight, the functioning of each fire detector circuit, and a means for the effectiveness of the detection system to be shown for all approved operating configurations and conditions.

**The petitioner's supportive information is as follows:**

"Relief Requested"

"To meet the public's demand for newer aircraft, Delta Air Lines is currently processing our fleet of 23 L-1011's for retirement. Of these aircraft, only nine are scheduled to be in service after March 19, 2001. These remaining nine aircraft will be retired on or before September 30, 2001.

"At this time, Delta respectfully requests that we be granted an extension from the final deadline of March 19, 2001, to September 30, 2001. If granted, this extension would allow Delta to meet the planned retirement schedule without requiring an expensive modification for a limited duration operation. Additionally, if Delta were to operate these aircraft past the requested new deadline of September 30, 2001, then we would be required to comply fully with this rule. Delta requests this relief be granted based on the following reasons.

"Safety Equivalence and Public Considerations"

"Delta Air Lines, Inc. respectfully submits that the relief sought should be granted and that Delta should be granted an Exemption, for the following reasons:

"1. Delta feels that this time extension of slightly more than six (6) months will not impact passenger safety as Delta has never experienced a fire in the L-1011 cargo compartment.

"2. Currently, Delta has incorporated this modification on 63 percent of our aircraft. Delta believes that the resources that would be used to modify airplanes that will be retiring within six (6) months after the final deadline would better serve the public if used to incorporate other safety modifications on aircraft that will be flying much longer after the final deadline date. Delta offers the following L-1011 retirement schedule and Class D cargo compartment modification schedule to support our request for exemption.

"Shown below are the [nine] aircraft that require a time extension, and a timeline indicating the planned retirement schedule for Delta's L-1011 aircraft. [List available in the Docket]

"Shown below is a timeline indicating the number of aircraft (excluding L-1011 aircraft) planned for Class D cargo compartment modifications between January 2000 and March 2001. [List available in the Docket]

"Delta currently operates 23 Lockheed L-1011 aircraft. Based on Delta's retirement schedule, nine (9) remaining L-1011 aircraft will be retired between the March 19, 2001, mandated completion date and our proposed extended date of September 30, 2001.

"Delta offers the following additional proposal to support our petition for exemption for the L-1011 aircraft listed above.

"Delta is required by FAR 121.314(d) to provide a quarterly report to you office verifying Delta's commitment to our Class D cargo compartment modification schedule. If this petition is granted, Delta would agree to supply, on a quarterly basis for the duration of this exemption, a retirement schedule for the aircraft affected by this exemption, showing that they are retired by the schedule outlined in this exemption request.

"We respectfully request that an exemption from FAR 21.314(c) be granted in accordance with 14 CFR, paragraph 11.27(e)."

A summary of the petition was published in the Federal Register on May 10, 2000 (65 FR 30185). No comments were received.

**The Federal Aviation Administration's analysis/summary is as follows:**

Background.

The FAA published a Notice of Proposed Rulemaking No. 97-10 (62 FR 32412, June 13, 1997) inviting public comments. More than 100 commenters responded; they included individuals, operators and manufacturers of affected airplanes, foreign airworthiness

authorities, labor organizations, organizations representing aircraft manufacturers and operators, and the National Transportation Safety Board. The FAA received recommendations for both shortening and extending the three-year compliance period proposed in Notice 97-10. The FAA acknowledged that the three-year compliance period would be aggressive and would require careful planning; however, none of the commenters provided credible reasons suggesting that detection and suppression systems cannot be installed in all affected airplanes within three years while the airplanes are undergoing other scheduled maintenance.

Based on information received in the comments, the FAA concluded that a three-year compliance schedule was the optimal compromise between cost and safety considerations and that the benefits of the rule justify the costs. A three year compliance period was, therefore, adopted in the Final Rule, “Revised Standards for Cargo or Baggage Compartments in Transport Category Airplanes” (63 FR 8032, February 17, 1998).

#### Analysis.

According to 14 CFR 11.27(e), to grant an exemption, the FAA must find that the petition is in the public interest. In support of its petition, the petitioner provided information indicating that the exemption would be in its financial interest in that the exemption would allow the petitioner to avoid the expense of compliance. However, the petitioner’s private financial interests do not necessarily equate to the “public interest.”

On the contrary, in issuing the cargo compartment final rule, the FAA determined that the 3-year compliance time is in the public interest for all affected operators and all affected airplanes. Specifically, the FAA considers that establishing a generally applicable deadline for all operators creates a “level playing field” on which all operators are treated equally and fairly. Granting this petition would create just the sort of unequal treatment that the generally applicable deadline was intended to prevent.

The petitioner, like all other affected operators, has had over two years since adoption of the final rule to plan for the most efficient means to comply with the requirements. Data supplied by operators to the FAA show that over 170 airplanes are to be retired from service by the compliance deadline of March 19, 2001. Granting this exemption would allow different compliance times for different operators and would very likely set off a series of requests by other operators to obtain similar exemptions, causing confusion, uncertainty, and inconsistent results. Granting the exemption could also result in actually

delaying compliance with the requirements by operators who might postpone previously scheduled work in order to pursue their own possible exemptions.

In consideration of the foregoing, I find that a grant of exemption would not be in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator (14 CFR § 11.53), the petition of Delta Air Lines, Inc. for an exemption from 14 CFR §§ 25.857(c), 25.858, and 121.314(c) for a time extension from March 19, 2001, until September 30, 2001, for nine Model L-1011 airplanes is hereby denied.

Issued in Renton, Washington, on July 25, 2000.

/s/ Vi L. Lipski  
Vi L. Lipski  
Acting Manager  
Transport Airplane Directorate  
Aircraft Certification Service, ANM-100